

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

|                             |   |                                |
|-----------------------------|---|--------------------------------|
| TYLER'S, INC.,              | ) |                                |
|                             | ) |                                |
| Plaintiff,                  | ) |                                |
|                             | ) |                                |
| v.                          | ) | CIVIL ACTION NO. 3:06CV815-VPM |
|                             | ) |                                |
| TRAVELERS PROPERTY CASUALTY | ) |                                |
| COMPANY OF AMERICA,         | ) |                                |
|                             | ) |                                |
| Defendants.                 | ) |                                |

**ORDER**

Previously, the parties were notified of the assignment of this case to a Magistrate Judge and the right to request reassignment. The parties have indicated their consent to a Magistrate Judge's jurisdiction by not requesting reassignment; therefore, as indicated in the notice of assignment, the parties must now confirm their consent in writing. Accordingly, it is

ORDERED that on or before **27 November 2006**, each party shall complete and send to the Clerk of the Court the attached consent form. If the parties desire to have this case reassigned to a district judge, they should contact the Clerk of the Court upon receipt of this order.

The parties are hereby reminded of the obligation, imposed by Rule 26(f) of the Federal Rules of Civil Procedure, to confer and to develop a proposed discovery plan. The Rule 26(f) report containing the discovery plan shall be filed as soon as practicable but not later than **27 November 2006**.

The longstanding practice in this district is that dispositive motions shall be filed no later than 90 days prior to the pretrial date. If the parties seek to vary from that schedule, they should present, in the plan, specific case-related reasons for the requested variance.

This case will be set for trial before a magistrate judge during one of that judge's regularly scheduled civil trial terms. The pretrial date is normally set within four to six weeks of a scheduled trial term. The dates of each judge's civil trial terms are available on the court's website located at <http://almd.uscourts.gov> in the civil case information section.

The scheduling order entered by the court will follow the form of the Uniform Scheduling Order adopted by the judges of this court. The Uniform Scheduling Order is also available on the court's website.

The report of the parties should comply with Form 35 of the Appendix of Forms to the Federal Rules of Civil Procedure.

DONE this 26th day of October, 2006.

/s/ Vanzetta Penn McPherson  
VANZETTA PENN MCPHERSON  
UNITED STATES MAGISTRATE JUDGE

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| TRAVELERS PROPERTY CASUALTY | ) |                                |
| COMPANY OF AMERICA,         | ) |                                |
|                             | ) |                                |
| Defendants.                 | ) |                                |

**CONSENT TO JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C. § 636(c), the undersigned party or parties to the above-captioned civil matter who previously have indicated their consent to the jurisdiction of a Magistrate Judge of this Court, hereby confirm in writing their consent to a United States Magistrate Judge conducting any and all further proceedings in the case, including trial, and ordering the entry of a final judgment.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
COUNSEL FOR (print name of all parties)

\_\_\_\_\_  
ADDRESS, CITY, STATE, ZIP CODE

\_\_\_\_\_  
TELEPHONE NUMBER

**\*\*\* DO NOT FILE THIS DOCUMENT ELECTRONICALLY \*\*\***

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA

**EXPLANATION OF ASSIGNMENT TO  
UNITED STATES MAGISTRATE JUDGE**

This civil case has been randomly assigned to a United States Magistrate Judge of this court. In accordance with 28 U.S.C. § 636(c), the Magistrate Judges of this court are designated to conduct any and all proceedings in a jury or nonjury civil case and order the entry of final judgment upon the consent of all parties to a case. Any appeal from a judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeals for the Eleventh Circuit in the same manner as any appeal from any judgment entered in this court.

Any party to this lawsuit has the right to consent or decline consent to the jurisdiction of a Magistrate Judge. To exercise your right to consent you should complete the consent form and return it to the Clerk of the Court as indicated in the court's order. Litigants, without concern for any adverse consequences, freely may decline consent to the jurisdiction of a Magistrate Judge. If you decline consent to the jurisdiction of a Magistrate Judge, this case will be reassigned randomly to a District Judge.